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05/26/2023

Corporation Served

Document ID - 23-SMCC-846; Served To - WENTZVILLE SCHOOL DISTRICT INTERSTATE DR; Server - ST CHARLES COUNTY SHERIFF; Served Date - 05/24/2023; Served Time - 15:59:00; Service Type - SD; Reason Description - SERV; Service Text -ACCEPTED BY M. KERTZMAN, COR

05/24/2023

Summons Returned Non-Est

Document ID - 23-SMCC-847; Served To - MEGANSUTTON; Server - ST CHARLES COUNTY SHERIFF; Served Date - 05/24/2023; Served Time - 08:53:00; Service Type - SD; Reason Description - NEST; Service Text -

Note to Clerk eFiling

Notice of Service

SUMMONS NON EST ON MEGAN SUTTON; Electronic Filing Certificate of Service.

Notice of Service

SUMMONS SERVED ON WENTZVILLE SCHOOL DISTRICT; Electronic Filing Certificate of Service.

05/03/2023

Order Appt Next of Friend

ASHLYN HENRY APPOINTED NEXT FRIEND OF MINOR L.H.; SO ORDERED RNM/jbm

Filed By: REBECA NAVARRO-MCKELVEY

Associated Entries: 05/01/2023 -

Petition:

+

05/01/2023

Petition:

Petition for Appointment of Next Friend.

Filed By: DANIEL J RHOADS

On Behalf Of: ASHLYN HENRY, L H

Associated Entries: 05/03/2023 -

Order Appt Next of Friend

+

04/24/2023

Judge/Clerk - Note

PLEASE IN THE FUTURE ENTER ALL PARTIES IN THE ORDER THAT THEY APPEAR ON THE PETITION. THANK YOU MLM.

Summons Issued-Circuit

Document ID: 23-SMCC-847, for SUTTON, MEGAN. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. MLM

Summons Issued-Circuit

Document ID: 23-SMCC-846, for WENTZVILLE SCHOOL DISTRICT INTERSTATE DR.

04/21/2023

Filing Info Sheet eFiling

Filed By: DANIEL J RHOADS

Proposed Order Filed

Proposed Order GRANTING LEAVE TO USE INTITIALS FOR MINOR PARTIES

Filed By: DANIEL J RHOADS

On Behalf Of: ASHLYN HENRY, L H

Associated Entries: 04/21/2023 -

Order

+

Motion Filed

Case: 4:23-cv-00808-SRC Doc. #: 1-3 Filed: 06/22/23 Page: 2 of 31 PageID #: 9

Motion for Permission To Use Initials.

Filed By: DANIEL J RHOADS

Associated Entries: 04/21/2023 -

Order

+

Pet Filed in Circuit Ct

Petition for Damages.

Filed By: DANIEL J RHOADS

Order

ORDER GRANTING LEAVE TO USE INTIALS FOR MINOR PARTIES, AS PER MEMORANDUM. WCM BY MLM

Associated Entries: 04/21/2023 -

Proposed Order Filed

+

Judge Assigned

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

L.H., a minor, by and through)
Next Friend, ASHLYN HENRY,)

Plaintiff,)

vs.)

Cause No. _____

Division No.: _____

WENTZVILLE R-IV SCHOOL DISTRICT,))

Serve at: 280 Interstate Dr.)

Wentzville, MO 63385)

MEGAN SUTTON, Ed.D.,)

Serve at: 612 Blumhoff Ave.)

Wentzville, MO 63385)

JANE DOE 1,)

JANE DOE 2,)

Defendants.)

JURY TRIAL DEMANDED

PETITION FOR DAMAGES

COMES NOW Plaintiff, L.H., a minor, by and through Next Friend, Ashlyn Henry, by counsel, Daniel J. Rhoads of **THE RHOADS FIRM, LLC**, and for her causes of action against Defendants, Wentzville R-IV School District and Jane Doe, pleads the following facts upon her personal knowledge and information:

Parties

1. L.H. is, and at all times relevant to this Petition was, a minor, female child with a disability.

2. Defendant Wentzville R-IV School District (“WSD”) is a public school district located within the County of St. Charles, State of Missouri. WSD is a political subdivision of the State, a public corporation, and a “person” by statute.

3. Defendant Megan Sutton is an adult employee of WSD. At the times relevant to this Petition, Sutton was the Principal of Heritage Primary School (“the School”). Defendant Sutton is sued in her Individual Capacity.

4. Defendant Jane Doe 1 is a school employee to whom L.H. refers as “Miss K.” Defendant Jane Doe 1 is sued in her Individual Capacity.

5. Defendant Jane Doe 2 is the school nurse who was working at the School on the date when L.H. was first injured at school, as described below. Defendant Jane Doe 2 is sued in her Individual Capacity.

Jurisdiction and Venue

6. This Petition arises under the statutes and common law of the State of Missouri and of the United States; and Plaintiff has suffered damages in excess of \$25,000.

7. L.H. was first injured by the wrongful acts or negligent conduct of Defendants in the County of St. Charles, State of Missouri.

District Policies and Regulations

8. WSD, through its Board of Education, develops and promulgates policies, administrative procedures, and regulations that govern the management, administration, and operations of its schools, which include Heritage Primary.

9. WSD Policy 2730, “Supervision of Students,” states: “Students are to be under supervision of the professional staff at all times during school hours and at school sponsored activities. It is the responsibility of principals to arrange for adequate supervision.”

10. WSD Policy 2730 imposes upon the principal a ministerial duty to arrange for adequate supervision of students at all times during school hours.

11. WSD Policy 2830, “Health Services,” states: “The District will be responsible for providing first aid or emergency treatment for students in cases of sudden illness or injury. Where necessary, and with notice to the parent-guardian, emergency health services will be secured.”

12. WSD Policy 2830 imposes upon WSD a duty and on the nurse a ministerial duty to provide first aid or emergency treatment for students in cases of sudden illness or injury and, where necessary, to secure emergency health services.

Facts Applicable to All Counts

13. During the fall of 2021, L.H. was a student at the School.

14. L.H. is a child with a disability who had an Individualized Education Plain (“IEP”).

15. In the fall of 2021, L.H. was practically nonverbal.

16. L.H.’s IEP required that she have adult support “anytime that [L.H.] is outside of the special education classroom for support for peer interaction, safety awareness, and modification of curriculum.”

17. The adult support required by L.H.’s IEP entailed a one-to-one aide, or paraprofessional.

18. Upon information and belief, on or about September 27, 2021, at the School, Jane Doe 1 struck L.H., or contacted L.H. in such a manner as to cause her head to strike a wall inside the School.

19. The strike against L.H.’s head caused her to suffer an injury.

20. After and despite L.H.’s injury, she was taken outside to the playground.

21. While on the playground, L.H.'s paraprofessional left her in order to attend to something else.

22. When L.H.'s paraprofessional left, L.H. fell to the ground. She became pale, and her eyes rolled back in her head.

23. L.H. was brought inside the School building.

24. Inside the School building, L.H. lost consciousness and defecated in her pants.

25. Jane Doe 2 did not provide first aid or emergency treatment for L.H. and did not secure emergency health services for L.H.

26. The School called L.H.'s parents, who then went to the School.

27. When L.H.'s parents arrived, L.H. vomited.

28. L.H.'s parents heard varying stories about how, when, and where she was injured, which contradicted each other.

29. L.H.'s parents took her to a hospital, where she underwent a CT scan.

30. On the same afternoon, L.H. was transferred to another hospital, where the medical records indicate that she was saying, "Mean!," and was "yelling and upset while in the exam room."

31. Eventually, L.H. was diagnosed with a concussion and traumatic subdural hemorrhage with loss of consciousness.

32. L.H. has suffered many sequelae of her injury, including speech apraxia; problems with gait and balance; a motor tic disorder; and, most recently, seizures.

33. As a direct and proximate result of Defendants' actions and failures, Plaintiff was deprived of educational performance, opportunities, or benefits.

34. As a direct and proximate result of Defendants' conduct, L.H. has suffered and continues to suffer damages, including but not limited to (a) injuries to her head; (b) physical pain and suffering; (c) ongoing medical effects, as described above; and (d) emotional pain, suffering, inconvenience, and mental anguish.

Count I – § 504 of the Rehabilitation Act
Defendant WSD

35. Plaintiff incorporates the averments made above as if they were fully set forth herein.

36. L.H. was, at all times relevant to this Petition, a handicapped individual in that she has a physical or mental impairment which substantially limits one or more of her major life activities.

37. L.H. was otherwise qualified for participation at the School and in WSD.

38. L.H. was excluded from participating in, and was denied the benefits of, the WSD program of education in that she was injured when WSD failed to provide her the adult support and supervision required by her disability.

39. By failing and refusing to provide the necessary adult support and student supervision, WSD acted with bad faith or gross misjudgment in that their staffing and supervision deviated so substantially from accepted professional judgment, practice, or standards as to demonstrate that they acted with wrongful intent.

40. As a direct and proximate result of such disability discrimination, L.H. suffered damages as specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count I; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct

result of Defendants' conduct; and award Plaintiff such additional relief that the Court deems just and proper.

Count II – Americans with Disabilities Act
Defendant WSD

41. Plaintiff incorporates the averments made above as if they were fully set forth herein.

42. L.H. was, at all times relevant to this Petition, a child with autism.

43. L.H.'s autism substantially limited her ability, among other things, to learn, speak, interact with peers, be aware of safety risks, and protect herself.

44. WSD knew of L.H.'s autism.

45. L.H. could have participated in school safely if she had been provided with one-to-one adult support anytime that she was outside of the special education classroom.

46. Providing L.H. with one-to-one adult support anytime that she was outside of the special education classroom would have been reasonable.

47. WSD failed to provide one-to-one adult support to L.H. when she was outside of the special education classroom on the date of the occurrence.

48. As a direct and proximate result of such failure to provide reasonable accommodation, L.H. suffered damages as specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count II; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendants' conduct; and award Plaintiff such additional relief that the Court deems just and proper.

Count III – Negligence
Defendant Sutton

49. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

50. Defendant Sutton owed to L.H., as a student at the School, a ministerial duty to arrange for adequate supervision of students at all times during school hours.

51. Defendant Sutton breached her duty by failing to arrange for adequate supervision of L.H. at the time and place of L.H.'s injuries at the School.

52. L.H. was injured as a result of the lack of supervision at the School on the date specified above.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count III; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate her for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

Count IV – Battery
Defendant Jane Doe 1

53. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

54. Defendant Jane Doe 1 struck L.H. or contacted L.H. in such a manner as to cause her head to strike a wall inside the School.

55. Defendant Jane Doe 1 thereby caused L.H. bodily harm.

56. As a result of Defendant Jane Doe 1's bodily harm to L.H., Plaintiff suffered personal injuries and incurred costs and expenses for the treatment thereof.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor on Count IV; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate Plaintiff for all damages that she has sustained and is reasonably certain to sustain in the future as a direct result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

Count V – Failure to Provide Treatment
Defendants WSD and Jane Doe 2

57. Plaintiff incorporates the averments in the preceding paragraphs as if they were fully set forth herein.

58. Defendant WSD assumed a duty, under its Policy 2830, to provide first aid or emergency treatment and to secure emergency health services for L.H. when she was injured at the School.

59. Defendant Jane Doe 2 owed L.H. a ministerial duty to provide first aid or emergency treatment and to secure emergency health services for L.H. when she was injured at the School.

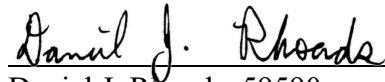
60. Defendants breached their duties under Policy 2830 by failing to provide any care or treatment and failing to secure emergency health services for L.H. when she was injured at school.

61. As a direct and proximate result of Defendants' breaches of duties, L.H. suffered damages.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor on Count V; award Plaintiff such sum in excess of \$25,000 as will fairly and justly compensate her for all damages that she has sustained and is reasonably certain to sustain in the future as a direct

result of Defendant's conduct; and award Plaintiff such additional relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, reading "Daniel J. Rhoads", is written over a horizontal line.

Daniel J. Rhoads, 59590

THE RHOADS FIRM, LLC

8123 Delmar Blvd., Suite 200

St. Louis, MO 63130

Phone: (855) 895-0997

Fax: (314) 754-9103

therhoadsfirmllc@gmail.com

Attorney for Plaintiff

L.H., a minor, by and through

Next Friend, Ashlyn Henry

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

L.H., a minor, by and through)
Next Friend, ASHLYN HENRY,)
)
 Plaintiff,)
)
 vs.)
)
 WENTZVILLE R-IV SCHOOL DISTRICT,))
 Et al.,)
)
 Defendants.)

Cause No. _____

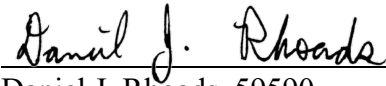
Division No.: _____

PLAINTIFF'S MOTION FOR PERMISSION TO USE INITIALS

COMES NOW Plaintiff, L.H., a minor, by and through her Next Friend, and by counsel, and hereby moves the Court for an Order permitting Plaintiff to refer to L.H. by her initials, in lieu of using her full name. As reflected by the Petition, Plaintiff is a minor child with a disability who was injured in school. In the interests of privacy and prudence, this minor should not be required to disclose her full name in public court records. No party will suffer prejudice from the use of the minor's initials.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court permit Plaintiff to use initials to identify L.H. in this matter and order all parties to refer to L.H. only by her initials in any pleadings publicly filed with the Court.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink that reads "Daniel J. Rhoads". The signature is written in a cursive style and is positioned above a horizontal line.

Daniel J. Rhoads, 59590

THE RHOADS FIRM, LLC

8123 Delmar Blvd., Suite 200

St. Louis, MO 63130

Phone: (855) 895-0997

Fax: (314) 754-9103

therhoadsfirmllc@gmail.com

Attorney for Plaintiff

L.H., a minor, by and through

Next Friend, Ashlyn Henry

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

L.H., a minor, by and through)
Next Friend, ASHLYN HENRY,)
)
 Plaintiff,)
)
 vs.)
)
 WENTZVILLE R-IV SCHOOL DISTRICT,))
 Et al.,)
)
 Defendants.)

Cause No. _____

Division No.: _____

ORDER GRANTING LEAVE TO USE INITIALS FOR MINOR PARTIES

Plaintiff's Motion for Permission to Use Initials to refer to Plaintiff L.H. is hereby granted.

All pleadings shall identify Plaintiff L.H. by her initials.

IT IS SO ORDERED.

Date

Judge

FILED

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

APR 21 2023
CIRCUIT CLERK
ST. CHARLES CO.

L.H., a minor, by and through
Next Friend, ASHLYN HENRY,

Plaintiff,

vs.

WENTZVILLE R-IV SCHOOL DISTRICT,

Et al.,

Defendants.

Cause No.

2311-CC 00415

Division No.:

1

ORDER GRANTING LEAVE TO USE INITIALS FOR MINOR PARTIES

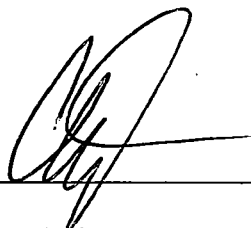
Plaintiff's Motion for Permission to Use Initials to refer to Plaintiff L.H. is hereby granted.

All pleadings shall identify Plaintiff L.H. by her initials.

IT IS SO ORDERED.

4/21/23

Date




Judge



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

| | | |
|---|---|-------------------|
| Judge or Division: REBECA NAVARRO-MCKELVEY | Case Number: 2311-CC00415 | (Date File Stamp) |
| Plaintiff/Petitioner: ASHLYN HENRY | Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130 | |
| Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT | Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301 | |
| Nature of Suit: CC Pers Injury-Other | | |

Summons in Civil Case

| | |
|---|--|
| The State of Missouri to: WENTZVILLE SCHOOL DISTRICT INTERSTATE DR | |
| Alias: | |
| 280 INTERSTATE DR WENTZVILLE, MO 63385 | |
|  | <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> |
| ST. CHARLES COUNTY | 4/24/2023 |
| | /S/ Cheryl Crowder |
| | Date Clerk |

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

| | |
|-------------------------|--|
| Summons | \$ _____ |
| Non Est | \$ _____ |
| Sheriff's Deputy Salary | |
| Supplemental Surcharge | \$ 10.00 |
| Mileage | \$ _____ (_____ miles @ \$. _____ per mile) |
| Total | \$ _____ |


A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

| | | |
|---|---|-------------------|
| Judge or Division: REBECA NAVARRO-MCKELVEY | Case Number: 2311-CC00415 | (Date File Stamp) |
| Plaintiff/Petitioner: ASHLYN HENRY | Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130 | |
| Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT | Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301 | |
| Nature of Suit: CC Pers Injury-Other | | |

Summons in Civil Case

| | |
|---|--|
| The State of Missouri to: MEGAN SUTTON | |
| Alias: | |
| 332 MCLNTYRE CT WENTZVILLE, MO 63385 | |
|  | You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. |
| ST. CHARLES COUNTY | 4/24/2023 /S/ Cheryl Crowder |
| | Date Clerk |

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

| | |
|-------------------------|--|
| Summons | \$ _____ |
| Non Est | \$ _____ |
| Sheriff's Deputy Salary | |
| Supplemental Surcharge | \$ 10.00 |
| Mileage | \$ _____ (_____ miles @ \$. _____ per mile) |
| Total | \$ _____ |

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

Plaintiff(s),)
)
vs.) Cause # _____
)

Defendant(s).)

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court's Alternative Dispute Resolution Program with my client(s) in this case and that:

_____ We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.

_____ We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

L.H., a minor, by and through)
Next Friend, ASHLYN HENRY,)

Plaintiff,)

vs.)

WENTZVILLE R-IV SCHOOL DISTRICT,))
Et al.,)

Defendants.)

Cause No. 2311-CC00415

Division No.: 1

PETITION FOR APPOINTMENT OF NEXT FRIEND

COMES NOW Ashlyn Henry ("Mrs. Henry"), Petitioner herein, and requests appointment as Next Friend in the above-styled case. Petitioner is the natural mother of minor L.H. Together with Petitioner's husband, who is L.H.'s father, Mrs. Henry has full legal and physical custody of L.H.

Ashlyn Henry
(Signature of Petitioner)

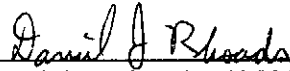
Date: 5-1-2023

149 Home Shire Dr.
(Address)

Wentzville, MO 63385

WHEREFORE, Ashlyn Henry humbly prays that this Court appoint her as L.H.'s Next Friend in connection with the Petition against Defendants.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read "Daniel J. Rhoads", is written over a horizontal line.

Daniel J. Rhoads, 59590

THE RHOADS FIRM, LLC

8123 Delmar Blvd., Suite 200

St. Louis, MO 63130

Phone: (855) 895-0997

Fax: (314) 754-9103

therhoadsfirmlc@gmail.com

Attorney for Plaintiff

L.H., a minor, by and through

Next Friend, Ashlyn Henry

IN THE 11th JUDICIAL CIRCUIT COURT
COUNTY OF ST. CHARLES
STATE OF MISSOURI

FILED

MAY 03 2023

CIRCUIT CLERK
ST. CHARLES CO.

L.H., a minor, by and through
Next Friend, ASHLYN HENRY,

Plaintiff,

vs.

WENTZVILLE R-IV SCHOOL DISTRICT,
Et al.,

Defendants.

Cause No. 2311-CC00415

Division No.: 1

PETITION FOR APPOINTMENT OF NEXT FRIEND

COMES NOW Ashlyn Henry ("Mrs. Henry"), Petitioner herein, and requests appointment as Next Friend in the above-styled case. Petitioner is the natural mother of minor L.H. Together with Petitioner's husband, who is L.H.'s father, Mrs. Henry has full legal and physical custody of L.H.

Ashlyn Henry
(Signature of Petitioner)

Date: 5-1-2023

149 Homeshire Dr.
(Address)

Wentzville, MO 63385

WHEREFORE, Ashlyn Henry humbly prays that this Court appoint her as L.H.'s Next Friend in connection with the Petition against Defendants.

RESPECTFULLY SUBMITTED

Daniel J. Rhoads
Daniel J. Rhoads, 59590
THE RHOADS FIRM, LLC
8123 Delmar Blvd., Suite 200
St. Louis, MO 63130
Phone: (855) 895-0997
Fax: (314) 754-9103
therhoadsfirmlc@gmail.com

*Attorney for Plaintiff
L.H., a minor, by and through
Next Friend, Ashlyn Henry*

SO ORDERED:

Rebeca Navarro-Mckelvey
REBECA NAVARRO-MCKELVEY, JUDGE

DATE: 5/3/23

IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

| | | |
|---|---|---|
| Judge or Division: REBECA NAVARRO-MCKELVEY | Case Number: 2311-CC00415 | #02374 MAY 23 2023 BY: (Date File Stamp) |
| Plaintiff/Petitioner: ASHLYN HENRY | Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130 | |
| Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT | Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301 | |
| Nature of Suit: CC Pers Injury-Other | | |

Summons in Civil Case

The State of Missouri to: WENTZVILLE SCHOOL DISTRICT INTERSTATE DR
Alias:

280 INTERSTATE DR
WENTZVILLE, MO 63385

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

4/24/2023

/S/ Cheryl Crowder

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).

☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

| | |
|-------------------------|---|
| Summons | \$ _____ |
| Non Est | \$ _____ |
| Sheriff's Deputy Salary | |
| Supplemental Surcharge | \$ 10.00 |
| Mileage | \$ _____ (_____ miles @ \$ _____ per mile) |
| Total | \$ _____ |

RECEIVED

MAY 23 2023

SHERIFF ST CHARLES COUNTY

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301

636-949-3010

RETURN OF SERVICE- SERVED 5/23/23

Civil #: SD-SER-23-04448

**Event**

Total Fees: \$39.00
Total Payments: \$39.00
Total Balance: \$0.00
Court Case Docket Number: 2311-CC00415
Document ID: 23-SMCC-846
Court Name: 11TH JUDICIAL CIRCUIT
Court State: MISSOURI
Court County: ST CHARLES
Service Expiration Date: 05/24/2023
Court Type: Circuit Court
Civil Types: SUMMONS
Civil Document Type: Personal Injury-Other
Zone: Zone 5

Other(s) Involved (2)**RHOADS, DANIEL J**

Involvement Type: Attorney
Commonplace Name: THE RHOADS FIRM, LLC
Address: 8123 DELMAR BLVD
Apartment: STE 200
City: ST LOUIS
State: MISSOURI
Zip Code: 63130
Phone Number: (855)-895-0997

HENRY, ASHLYN

Involvement Type: Plaintiff

Defendant Data (1)

Personal Service Only: No
Commonplace Name: WENTZVILLE SCHOOL DISTRICT
Address: 280 INTERSTATE DR
City: WENTZVILLE
State: MO
Zip Code: 63385
County: ST CHARLES

St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301


636-949-3010

Civil #: SD-SER-23-04448

**Entered By (2)**

Entering Clerk Officer: McGhee, Robin (215) 05/23/2023 13:41:00

Final Disposition Officer: Matthews, Cory (115) 05/23/2023 16:00:00

Final Disposition Signature: 

Disposition History (2)

Served 05/23/2023 16:00 Auto Dispositioned

Active 05/23/2023 13:41 Dispositioned to Default Setting

Service History (1)**Served**

Date: 05/23/2023 15:59

Service Type:

Related To: : Defendant

Officer: Matthews, Cory 115

Outcome:

Time Spent: 00:00

Mileage: 0

Comments: Served to Matthew Kertzman, custodian of records authorized to accept service.

Agency: St. Charles County Sheriff's Department

Beat:

Address: 280 Interstate Dr

City: WENTZVILLE

State: MISSOURI

Zip: 63385

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: DANIEL J RHOADS, Attorney for Plaintiff
SERVICE EMAIL: therhoadsfirmlc@gmail.com



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

| | |
|---|---|
| Judge or Division: REBECA NAVARRO-MCKELVEY | Case Number: 2311-CC00415 |
| Plaintiff/Petitioner: ASHLYN HENRY | Plaintiff's/Petitioner's Attorney/Address DANIEL J RHOADS THE RHOADS FIRM, LLC 8123 DELMAR BLVD SUITE 200 SAINT LOUIS, MO 63130 |
| Defendant/Respondent: WENTZVILLE SCHOOL DISTRICT | Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301 |
| Nature of Suit: CC Pers Injury-Other | |

#02375
PAID
MAY 23 2023

BY:

(Date File Stamp)

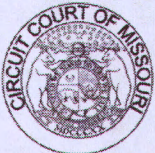
Summons in Civil Case

The State of Missouri to: MEGAN SUTTON

Alias:

332 MCLNTYRE CT
WENTZVILLE, MO 63385

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

4/24/2023

Date

/S/ Cheryl Crowder

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with☐ _____, a person at least 18 years of age residing therein.☐ (for service on a corporation) delivering a copy of the summons and petition to:☐ _____ (name) _____ (title).☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

RECEIVED

MAY 23 2023

SHERIFF ST CHARLES COUNTY

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301

636-949-3010

RETURN OF SERVICE - NON-EST MOVED

Civil #: SD-SER-23-04449

**Event**

Total Fees: \$39.00
Total Payments: \$39.00
Total Balance: \$0.00
Court Case Docket Number: 2311-CC00415
Document ID: 23-SMCC-847
Court Name: 11TH JUDICIAL CIRCUIT
Court State: MISSOURI
Court County: ST CHARLES
Service Expiration Date: 05/24/2023
Court Type: Circuit Court
Civil Types: SUMMONS
Civil Document Type: Personal Injury-Other
Zone: Zone 5

Party To Be Served Person (1)**SUTTON, MEGAN**

Personal Service Only: No
Involvement Type: Defendant
Address: 332 MCINTYRE CT
City: WENTZVILLE
State: MO
Zip Code: 63385
County: ST CHARLES

Other(s) Involved (2)**RHOADS, DANIEL J**

Involvement Type: Attorney
Commonplace Name: THE RHOADS FIRM, LLC
Address: 8123 DELMAR BLVD
Apartment: STE 200
City: ST LOUIS
State: MISSOURI
Zip Code: 63130
Phone Number: (855)-895-0997

HENRY, ASHLYN

Involvement Type: Plaintiff

Defendant Data (1)

St. Charles County Sheriff's Department

201 N. Second St St. Charles, MO 63301


636-949-3010

Civil #: SD-SER-23-04449

**Commonplace Name:** WENTZVILLE SCHOOL DISTRICT**Entered By (2)**

Entering Clerk Officer: McGhee, Robin (215) 05/23/2023 13:41:00

Final Disposition Officer: Matthews, Cory (115) 05/23/2023 16:16:00

Final Disposition Signature: 

Disposition History (3)

| | | |
|--------|------------------|----------------------------------|
| NonEst | 05/24/2023 08:53 | MOVED |
| Served | 05/23/2023 16:16 | Auto Dispositioned |
| Active | 05/23/2023 13:50 | Dispositioned to Default Setting |

Service History (1)**Returned**

Date: 05/23/2023 16:14

Service Type: Moved

Related To: SUTTON, MEGAN : Defendant

Officer: Matthews, Cory 115

Outcome:

Time Spent: 00:00

Mileage: 0

Comments: Spoke with Mary Geemar, current resident. Stated that she purchased the house from the defendant approximately four years ago. Did not have any forwarding contact information. Google search shows that defendant may be a principle at Heritage Primary in the Wentzville School District. Unable to confirm if it is the same person. No additional information on service. Cannot complete service with available information. Return.

Agency: St. Charles County Sheriff's Department

Beat:

Address: 332 McIntyre Ct

City: WENTZVILLE

State: MISSOURI

Zip: 63385

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: DANIEL J RHOADS, Attorney for Plaintiff
SERVICE EMAIL: therhoadsfirmllc@gmail.com